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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/991,089
Filing Date: November 13, 2001
Appellant(s): NOWLIN ET AL.

Sanjay S. Gadkari

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/20/2007 appealing from the Office action mailed 10/18/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Evidence relied upon is as follows:

- 1.) Parry (U.S. Patent Publication 2002/0128041 A1)
- 2.) Wu et al (U.S. Patent Publication 2003/0083056 A1)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-4, 6-12 and 19-35*** are rejected under 35 U.S.C. 102(e) as being anticipated by Parry (U.S. Patent Publication 2002/0128041 A1).

Regarding ***claim 1***, Parry discloses in paragraphs [0021 and 0027, a method comprising:

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- a first instance of a software program resident and operating on a first machine executing in coordination with a second instance of the software program resident and operating on a second machine to; (See paragraph [0026])
- receive a wireless request at a switching device, which reads on claimed "first computing device", having software to perform as a switching mechanism, (see paragraph [0025]), to switch control of a device to a one or more computing devices , which reads on claimed "second machine";
- relinquish control of said device at said first machine. See paragraph [0032].
- transfer data, which reads on claimed "token", from said switching device to said second machine one or more computing devices – based on user choice. See paragraph [0010]; and
- establish wireless control of said device at said second machine. See column [0032].

Regarding **claim 2**, according to **claim 1**, Parry further teaches in paragraph [0032] terminating wireless transmissions of commands and data between computer B, which reads on claimed "first machine"(hereinafter referenced as first machine) and said device.

Regarding **claim 3**, according to **claim 2**, Parry further teaches in paragraph [0032] initiating wireless transmissions of commands and data between computer F, which reads on claimed "second machine" (hereinafter referenced as second machine) and

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said device.

Regarding **claim 4**, according to **claim 3**, Parry further teaches in paragraph [0010], said data represents a control key to indicate control ownership of said device.

Regarding **claim 6**, according to **claim 5**, Parry teaches in paragraph [0032] and claim 16, wherein said device is an input/output (I/O) device having capability for wireless communication.

Regarding **claim 7**, according to **claim 6**, Parry discloses in paragraph [0024] wherein said wireless transmissions and said wireless communication comply with Blue-tooth wireless protocol.

Regarding **claim 8**, according to **claim 7**, Parry discloses in paragraph [0032], wherein said first machine is a first computer and said second machine is a second computer.

Regarding **claims 9-11**, according to **claim 8**, Parry discloses in paragraphs [0023, 0029] and claims 11-15, wherein said I/O device is a keyboard, mouse and a graphical display.

Regarding **claim 12**, according to **claim 6**, Parry discloses in paragraph [0029], wherein communications between said first machine, said second machine, and said devices

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are wireless and lack the presence of cable connections.

Regarding **claim 19**, Parry discloses a system comprising:

- a keyboard, mouse and a graphical display, hereinafter referenced as peripherals, which reads on claimed "wireless input/output device". See paragraph [0023
- said peripherals to be controlled through wireless signals; See paragraphs [0023, 0029].
- a first computer capable of wireless communication, as referenced in paragraph [0032]
- said first computer to have control of said wireless I/O device as referenced in paragraph [0029]; and
- a second computer capable of wireless communication as referenced in paragraph [0032],
- said second computer to acquire control of said wireless I/O device upon a request to switch control. See paragraphs [0029 and 0032]

Regarding **claim 20**, according to **claim 19**, Parry discloses wherein said first computer transmits and receives commands and data with said peripherals while said first computer is in control of said peripheral. See paragraph [0029].

Regarding **claim 21**, according to **claim 20**, Parry discloses wherein control of said first

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computer transmits data, which reads on claimed "token" to said second computer when said request to switch control is received at said first computer. See paragraph [0032]

Regarding **claim 22**, according to **claim 21**, Parry discloses wherein second computer takes control of said wireless I/O device when said token is received at said second computer.

Regarding **claim 23**, according to **claim 22**, Parry discloses wherein said first computer gives up control of said peripheral when said request to switch control is received at said first computer. See paragraphs [0029 and 0032].

Regarding **claim 24**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor therein, which reads on claimed "machine readable medium", having embodied therein a software or firmware, which reads on claimed "a computer program", said software or firmware being executable by a first machine and a second machine respectively to perform a method comprising:

- receiving a wireless request at a switching device, which reads on claimed "first machine", to switch control of a device to a one or more computing devices , which reads on claimed "second machine";
- relinquishing control of said device at said first machine. See paragraph [0032].
- transferring data, which reads on claimed "token", from said switching device to said second machine one or more computing devices – based on user choice.

See paragraph [0010].

Regarding **claim 25**, as claim in **claim 24**, Parry discloses in paragraphs [0025 and 0026] a switching device comprising a processor wherein receiving a wireless request to take control of said device. See paragraph [0028].

Regarding **claim 26**, as claim in **claim 25**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein receiving said data, as disclosed in paragraph [0023], after receiving said wireless request to take control.

Regarding **claim 27**, as claim in **claim 26**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein assuming control of said device after receiving said data. See paragraph [0023].

Regarding **claim 28**, as claim in **claim 27**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein wirelessly transmitting data and commands to peripherals, which reads on claimed " wireless I/O device" while controlling said peripherals. See paragraphs [0023 and 0029].

Regarding **claim 29**, as claim in **claim 28**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein said transferring of said data comprises sending a wireless transmission to said first machine. See paragraphs [0023

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and 0029].

Regarding **claim 30**, Parry discloses a system, comprising:

- at least one wireless keyboard. See paragraph [0023];
- a plurality of computing devices, each of which includes an internal switch mechanism to pass control of the peripheral device to another of the computing devices responsive to a user selection. Parry discloses in paragraph [0026] wherein the switching function can be implemented via software, firmware or combination thereof, thus allowing the switching function to internal to the computing device.
- the computing devices further to receive the user selection from a wireless device, wherein the wireless device is of a group comprising the wireless peripheral device and the plurality of computing devices, wherein said group does not include a physical switchbox. See paragraph [0023], wherein if the switch is internal to the computing device, there will not be a need for a separate switch box.

Regarding **claim 31**, as claimed in **claim 30**, Parry continues to disclose wherein the computing device are further to receive the user selection directly from the said wireless peripheral. See paragraph [0026].

Regarding **claim 32**, as claimed in **claim 30**, Parry discloses wherein the group further

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includes a second wireless peripheral device. See paragraph [0023].

Regarding **claim 33**, as claimed in **claim 30**, Parry discloses wherein the said computing devices are further to receive the user selection directly from the second said peripheral device. See paragraph [0023].

Regarding **claim 34**, according to **claim 30**, Parry continues to disclose wherein, each computing device is further to accept control of the peripheral device from another of the said computing device in response to a communication from the other computing device over a wireless communication link. See paragraph [0024].

Regarding **claim 35**, according to **claim 30**, Parry continues to disclose wherein the said wireless device is a wireless keyboard. See paragraph [0023].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Parry (U.S. Patent Publication 2002/0128041 A1) in view of Wu et al (U.S. Patent Publication 2003/0083056 A1).

Regarding **claim 5**, according to **claim 4**, Parry further teaches in paragraph [0010], said data represents a control key to indicate control ownership of said device.

However, Parry does not disclose wherein said wireless request is generated upon input of a predetermined key combination.

Wu et al teaches in paragraph [0020] of a key input (S1) that generates a command for use by the wireless device.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Parry (U.S. Patent Publication 2002/0128041 A1) to include Wu et al (U.S. Patent Publication 2003/0083056 A1) in order to disclose a key operable to initiate a wireless request for determination.

(10) Response to Argument

Regarding the alleged unpatentability over the cited prior arts of Parry (U.S. Patent Publication Number 2002/0128041 A1) and Wu et al. (U.S. Patent Publication Number 2003/0083056 A1), the Examiner will detail the position in which examination of the cited claims were made.

The Applicant identifies on page 14 of the filed Appeal Brief wherein Parry fails to disclose or suggest elements cited in **claims 1-4, 6-12 and 19-35**, wherein a first instance of a software program is resident and operating on a first machine executing in coordination with a second instance of the software program resident and operating on a second machine. Respectfully, the Examiner maintains that Parry clearly renders sufficient support in the cited portion of the reference that parallels to the operating

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methods of the Applicant's claimed invention. Accordingly, Parry details in paragraphs [0021 and 0026], of a method for controlling different computing devices through a switching device that permits wireless links to be established with multiple said computing devices, so that a user can interact with and control the said computing device via one or more peripherals devices, i.e. mouse, monitors, keyboards, etc, can be implemented in any suitable hardware, **software**, firmware or any combination thereof. Based on the interpretation of the cited passage in Parry, the Examiner maintains that that function of switching between different devices is being communicated between the devices via software. The switching can, as stated paragraph [0026], to primarily be performed via a switching program incorporated in both devices. Therefore, the Examiner maintains that software programs are resident in both the computing devices, as well as, the switching devices. The arguments are moot and not persuasive.

Regarding **claim 5**, the Applicant asserts that there is insufficient basis to prove obviousness with the combination of Parry and Wu et al; consequently, the Examiner respectfully maintains that the Applicant's argument is not persuasive. The combination of both Parry and Wu et al. provides a reasonable motivation to functionally combine the two technologies in order to disclose a key operable to initiate a wireless request for the search, control and determination wireless peripherals identified by the received incoming signals.

Therefore, the argument is moot and not persuasive.

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Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Randy Peaches/

Examiner, Art Unit 2617

July 20, 2007

Conferees:

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